

Appl. No. 10/740,261
Docket No. 9475
Amdt. dated October 7, 2009
Reply to Office Action mailed on July 7, 2009
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the layer comprising the mixture of short cellulosic fibers and synthetic fibers is disposed on the layer comprising softwood fibers in regions containing the mixture of short cellulosic fibers and synthetic fibers and regions void of the mixture of short cellulosic fibers and synthetic fibers. Support for this amendment is found in the Drawings, especially Fig. 10.

Claims 1-5, 8-15, and 18-20 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

Claims 1-5, 8-15, and 18-20 are rejected by the Examiner under 35 USC §112 first paragraph as allegedly failing to comply with the written description requirement.

Applicants respectfully submit that Claim 1, the independent claim, as amended, is not indefinite. Therefore, Applicants further submit that Claims 2-5, 8-15, and 18-20, which ultimately depend from Claim 1, as amended, are not indefinite.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one of U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565

Claims 1, 5, and 18-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan '595") in view of any one of U.S. Patent No. 2,113,431 to Milliken ("Milliken"), U.S. Patent No. 3,034,180 to Greiner, et al. ("Greiner"), U.S. Patent No. 5,245,025 to Trokhan, et al. ("Trokhan '025"), or U.S. Patent No. 5,328,565 to Rash, et al. ("Rasch").

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Applicants respectfully submit that Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch fails to teach each and every element of Claim 1, the independent claim, as amended, because Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch fails to teach a fibrous structure comprising a layer of softwood fibers and a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on the layer of softwood fibers in regions containing the mixture of short cellulosic fibers and synthetic fibers and regions void of the mixture of short cellulosic fibers and synthetic fibers. Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch. MPEP 2143.03. Further, Applicants submit that Claims 5 and 18-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one of U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch, all discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani, et al. ("Mizutani").

Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch and further in view of Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one of U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of WO 93/14267

Claims 4, 8-12, and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan `595 in view of any one of

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Milliken, Greiner, Trokhan '025 or Rasch, all discussed above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12, and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch and further in view of Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one of U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch, all discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest, et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch and further in view of Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one of U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of any one of U.S. Patent No. 5,405,499 or U.S. Patent No. 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025 or Rasch, all discussed above, and further in view of any one of U.S. Patent No. 5,405,499 to Vinson ("Vinson"), or U.S. Patent No. 5,409,572 to Kershaw, et al. ("Kershaw").

Appl. No. 10/740,261
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Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch and further in view of any one of Vinson or Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan `595 in view of any one of Milliken, Greiner, Trokhan `025 or Rasch. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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